

1 Lynda J. Zadra-Symes (SBN 156,511)
Lynda.Zadra-Symes@kmob.com
2 Jeffrey L. Van Hoosear (SBN 147,751)
Jeffrey.VanHoosear@kmob.com
3 David G. Jankowski (SBN 205,634)
David.iankowski@kmob.com
4 KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street
5 Fourteenth Floor
Irvine, CA 92614
6 Phone: (949) 760-0404
Facsimile: (949) 760-9502
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8 Attorneys for Defendant/Counter-Plaintiff,
KEATING DENTAL ARTS, INC.

9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
12 SOUTHERN DIVISION

13 JAMES R. GLIDEWELL DENTAL
14 CERAMICS, INC. dba GLIDEWELL
LABORATORIES,

15 Plaintiff,

16 v.

17 KEATING DENTAL ARTS, INC.

18 Defendant.

19 AND RELATED COUNTERCLAIMS.
20

) Civil Action No.
) SACV11-01309-DOC(ANx)

) **KEATING DENTAL ARTS,**
) **INC.'S NOTICE OF MOTION**
) **AND MOTION FOR SUMMARY**
) **JUDGMENT OF (1) NO**
) **INFRINGEMENT OF**
) **GLIDEWELL'S REGISTERED**
) **TRADEMARK, (2) NO**
) **VIOLATION OF SECTION 43(a)**
) **OF THE LANHAM ACT, AND**
) **(3) NO UNFAIR COMPETITION**
) **UNDER CALIFORNIA LAW**

) HEARING:

) Date: December 17, 2012

) Time: 8:30 a.m.

) Crtrm: 9D

) Honorable David O. Carter
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1 PLEASE TAKE NOTICE that Defendant Keating Dental Arts, Inc.
2 (“Keating”) hereby moves this Court for summary judgment of (1) No
3 Infringement of Glidewell’s Registered Trademark, (2) No Violation Of
4 Section 43(a) of the Lanham Act, and (3) No Unfair Competition Under
5 California Law. Subject to the Court’s availability, the motion will be heard on
6 December 17, 2012, at 8:30 a.m. in Courtroom 9D before the Honorable David
7 O. Carter. This motion is made pursuant to Fed. R. Civ. P. 56 and to this
8 Court’s May 1, 2012 Order (Docket No. 52) on the grounds that there are no
9 genuine issues as to any material fact and that Keating is therefore entitled to
10 judgment as a matter of law.

11 This motion is made following the conference of counsel pursuant to L.R.
12 7-3 which took place on November 8, 2012. David G. Jankowski participated in
13 the meet-and-confer on behalf of Keating. Philip Graves and Greer Shaw
14 participated in the meet-and-confer on behalf of Glidewell. The parties could
15 not reach agreement on the issues that form the bases for this motion.

16 Keating bases the motion on this notice; the concurrently filed opening
17 brief; the separate statement of uncontroverted facts and conclusions of law; the
18 declarations of David G. Jankowski, Rustin Mangum, Jeffrey Van Hoosear, Lori
19 Boatright, Dr. David Eggleston, Shaun Keating, Carol Frattura, Dr. William
20 Belton, Dr. Raymond Brady, Dr. Jonathan Campbell, Dr. Michael Colleran, Dr.
21 Joseph Jacquinot, Dr. Dennis Murphy, Dr. Terry L. Myers, Dr. Thomas
22 Nussear, Dr. Stan Richardson, Dr. Richard Scott, Dr. Scott Stephens, Dr. Daniel
23 Sweet, and Dr. Gary Tobin, including all exhibits attached thereto; the request
24 for judicial notice; any subsequently filed briefs; the pleadings and papers filed
25 in this action; and any other arguments, evidence, and matters submitted to the
26 Court, at the hearing or otherwise.

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1 A proposed order is being lodged with this motion for the Court's
2 consideration.

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4 Respectfully submitted,
5 KNOBBE, MARTENS, OLSON & BEAR, LLP
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7 Dated: November 19, 2012 By: /s/ David G. Jankowski

8 Lynda J. Zadra-Symes
9 Jeffrey L. Van Hoosear
10 David G. Jankowski

11 Attorneys for Plaintiff,
12 KEATING DENTAL ARTS, INC.
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